

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

LESLI J. SILVERS, )  
                        )  
                        )  
**Petitioner,**      )  
                        )  
vs.                    )      **Case No. CIV-13-54-JHP-KEW**  
                        )  
                        )  
**SHARON MCCOY,**    )  
                        )  
                        )  
**Respondent.** )

**OPINION AND ORDER**

On January 31, 2013, Petitioner submitted for filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Dkt. # 1. On the same date, Petitioner was advised that she either needed to submit a proper motion for leave to proceed *in forma pauperis* or pay the \$5.00 filing fee and she was giving twenty (20) days or until February 20, 2013 to comply with the court's order. *See*, Dkt. # 3. On March 13, 2013, Petitioner filed a motion for leave to proceed *in forma pauperis*. Dkt. # 5. On April 5, 2013, Petitioner filed an Amended Petition for writ of habeas corpus. Dkt. # 8. On April 12, 2013, Petitioner filed an amended motion for leave to proceed *in forma pauperis*. Dkt. # 9. On April 17, 2013, this court denied petitioner's motion for leave to proceed *in forma pauperis* and directed the petitioner to prepay the filing fee for this action within twenty (20) days of the order. Dkt. # 10. At that time, the petitioner was advised that "failure to pay the filing fee or show cause why the fee cannot be paid" would subject this action to dismissal. *Id.*

Because the petitioner has neither paid the filing fee nor shown cause in writing for her failure to do so as required by the Court's Order of April 17, 2013, the Court finds that this action may not proceed and should be dismissed without prejudice for failure to prosecute.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the petitioner's amended petition for writ of habeas corpus is **dismissed without prejudice** for lack of prosecution.

It is so ordered on this 29th day of May, 2013.

  
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James H. Payne  
United States District Judge  
Eastern District of Oklahoma